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March 10, 2003

Docket Clerk
U.S. DOT Dockets
Room PL — 401
400 Seventh Street, S.W.
Washington, D.C. 20590-0001

FHWA-1999-4967-11

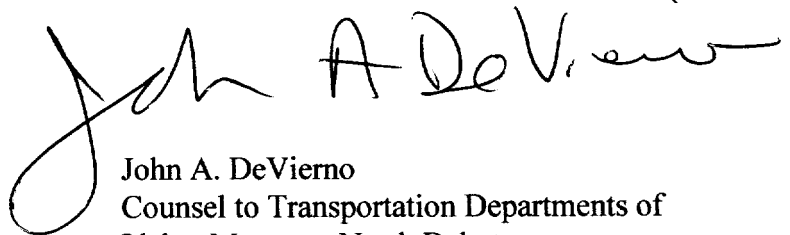
Re: Docket No. FHWA-99-4967, Management Systems Pertaining to the Park
Roads and Parkways Program

DEPT. OF TRANSPORTATION
DOCKETS
2003 MAR 10 A 10:05

To Whom It May Concern:

Enclosed for consideration in the above-referenced docket are the comments of
the transportation departments of Idaho, Montana, North Dakota, South Dakota, and Wyoming.

Respectfully submitted,



John A. DeVerno
Counsel to Transportation Departments of
Idaho, Montana, North Dakota,
South Dakota, and Wyoming

Enclosure

Comments of the Transportation Departments of
Idaho, Montana, North Dakota, South Dakota, and Wyoming

In Response To
Notice of Proposed Rulemaking,
Published January 8, 2003, 68 Federal Register 1080

In
Docket No. FHWA-99-4967,
Management Systems Pertaining to the Park Roads and Parkways Program

Filed: March 10, 2003

The transportation departments of Idaho, Montana, North Dakota, South Dakota, and Wyoming ("the five states" or "we" or "our" or "us") submit these comments in response to the notice of proposed rulemaking (NPRM) in this docket published on January 8, 2003.

The five states believe that the management systems should be implemented efficiently, to control costs, and that they should be implemented in a way that does not burden states or adversely affect the funding or other resources available for the state program.

Controlling costs is important because, under the proposed rule, funding to develop and implement the management systems would come out of the basic park roads and parkways program. See proposed section 970.206. We support that program and do not wish to see it reduced in order to pay for overhead costs. We would be particularly concerned if the management system effort should become costly and meaningfully reduce funding available for park roads and other real projects under the program. Thus, we broadly urge FHWA to resolve doubts in structuring the management systems in favor of the options that keep costs down. This would particularly be the case if the funding for the program does not grow. While we support increasing funding for the program, that may not transpire. Therefore, keeping the management systems efficient is particularly appropriate.

In that regard, we specifically note that mandating collection of information such as set forth in proposed sections 970.208 could prove very costly. In particular, scattered federal landholdings makes for a situation ripe for exorbitant cost and inefficiency in data collection. This would be particularly true if the National Park Service (NPS) collects and analyzes the data itself. The potential for inefficiency is multiplied if each of the federal land management agencies (FLMAs) impacted by the required management systems does the same. At a minimum, the FLMAs should be given the flexibility, if not already permitted, to pool their resources. In this manner duplicated staffing, software, and equipment will be minimized. It could also be unduly costly to develop pavement management systems for all roads. Unpaved roads, for example, may not warrant inclusion in the system.

Another approach to limiting costs would be to exclude from these management systems

any roads already under the jurisdiction of a state. We recommend that the rule do this, not only to save costs, but in order to avert jurisdictional overlap and confusion. For example, if a state or federal highway under state jurisdiction runs through a park, we do not see the benefit of work by the NPS in developing data on that highway for these management systems. The state already maintains and monitors that highway.

We do not purport in these comments to identify all possible choices for ensuring the efficiency of these management systems. Our broad point is that the agency should strive to maximize preservation of funds for actual projects by being judicious in determining the extent of the requirements to be included in these new management systems.

Our other principal concern is that the implementation of these rules not burden states. At 68 Federal Register 1082, FHWA explains that implementation plans will allow management systems to be tailored to “avoid inefficient duplication of management systems already in use by the States.” The notice goes on to say that implementation will “provide an opportunity to strengthen the working relationships among Federal, State, Tribal and local agencies, as well as define responsibility for and ownership of data.”

States routinely collect data on State Highways within National Parks. To the extent that we are already gathering this data, we anticipate making it available to the NPS to assist in accomplishing the requirements of the management systems as long as the requests and expectations are reasonable. However, we cannot be certain that, absent an agreement, or consent, or compensation, that we would provide even our current data with undue frequency or that we would undertake any new data collection tasks to assist in implementing these systems. Certainly, we want to be cooperative. However, the cooperation must be voluntary. Nothing in the final rule should require states to provide or develop data that they are not already collecting, or to provide even the currently collected data in unduly burdensome ways. Nor should the rule in any way act to limit current state authority or jurisdiction. In addition, to avoid the creation of parallel, and possibly contradictory data interpretation, these management systems should be set up so that they are compatible with state systems, if it is at all appropriate to do so.

Even during the best of times it is difficult for the States to take on additional responsibilities and this is a particularly difficult time for any additional responsibilities. Nonetheless, we will look forward to cooperating in the implementation of these management systems, provided it is not burdensome for us to do so.

Conclusion

We ask the agency to revise the proposal to the extent necessary to meet the concerns noted in these comments and we thank the agency for its consideration of our views.
